

PATENT COOPERATION TREATY

PCT

REC'D 23 OCT 2001

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM2192/MH	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/25685	International filing date (day/month/year) 20/09/2000	Priority date (day/month/year) 20/09/1999
International Patent Classification (IPC) or national classification and IPC C11D3/37		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12/01/2001	Date of completion of this report 19.10.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Schambeck, W Telephone No. +49 89 2399 2135 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/25685

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-29 as originally filed

Claims, No.:

1-14 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/25685

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims 2, 4-14
	No:	Claims 1, 3
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-14
Industrial applicability (IA)	Yes:	Claims 1-14
	No:	Claims

**2. Citations and explanations
see separate sheet**

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/25685

1. The authorised officer assumes that the concept of adding a laundry treatment composition containing a suds suppressing system to an aqueous laundry rinse bath formed part of the state of the art at the priority date.

Measured against that prior art, claims 1 to 14 of the international application are considered not to involve an inventive step within the meaning of Article 33(3) PCT because none of the features recited in those claims would appear to be both

- such as to ensure the solution of a meaningful technical problem derivable from the application as filed and
- such as to define a teaching going beyond merely stipulating a technical result any person skilled in the relevant technical field would have considered desirable and beyond what is suggested by the common general knowledge in the relevant technical field.

Concerning the feature recited in claim 1 of the treatment composition having "a clarity value upon a 0.2% dilution of less than a 0.04% by weight of a dimethyl bis(steroyl oxyethyl)ammonium chloride aqueous solution", attention is in particular drawn to the fact that it is not apparent that a meaningful technical problem should be solved by the teaching to the effect that the diluted treatment composition should be **less** clear than an aqueous solution containing 0.04 % by weight of dimethyl bis(steroyl oxyethyl) ammonium chloride.

2. As acknowledged in the description of the international application, suds suppressing systems of the types defined in claim 3 were well-known at the priority date of the application.

The authorised officer assumes that at least some of the prior art antifoam compounds meet the requirement of having "a clarity value upon a 0.2% dilution of less than a 0.04% by weight of a dimethyl bis(steroyl oxyethyl)ammonium chloride aqueous solution" and the requirement of having "a suds reduction value of at least 50%".

It is concluded that the inventions defined by claims 1 and 3 lack novelty within the meaning of Article 33(2) PCT.

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 03 December 2001 (03.12.01)	
International application No. PCT/US00/25685	Applicant's or agent's file reference CM2192/MH
International filing date (day/month/year) 20 September 2000 (20.09.00)	Priority date (day/month/year) 20 September 1999 (20.09.99)
Applicant BETTIOL, Jean-Luc, Philippe et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 12 January 2001 (12.01.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer R. Forax Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

Inte. .onal Application No

PCT/US 00/25685

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C11D3/37 C11D17/00 C11D3/00 C11D7/22

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D B01D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 98 27189 A (COLGATE PALMOLIVE CO) 25 June 1998 (1998-06-25) claims 1-16; example 1	1-3, 11
X	EP 0 908 511 A (PROCTER & GAMBLE) 14 April 1999 (1999-04-14) page 6, paragraph 51; claims 1, 13, 16-19	1-3, 6-8, 11, 12
X	US 3 455 839 A (RAUNER LAWRENCE A) 15 July 1969 (1969-07-15) column 3, line 55 - line 59; claim 1; examples	1, 3
A	EP 0 354 016 A (DOW CORNING) 7 February 1990 (1990-02-07) claims 4, 7	1, 11
	-/-	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *&* document member of the same patent family

Date of the actual completion of the international search

11 January 2001

Date of mailing of the international search report

23/01/2001

Name and mailing address of the ISA

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Authorized officer

Loiselet-Taisne, S

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/25685

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>EP 0 927 567 A (OSI SPECIALTIES INC) 7 July 1999 (1999-07-07) page 2, paragraph 1; claims 1-10; example 5</p> <p style="text-align: center;">-----</p>	1,3-5

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/25685

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9827189 A	25-06-1998	US 5972869 A AU 5609198 A EP 0946698 A ZA 9711283 A	26-10-1999 15-07-1998 06-10-1999 15-06-1999
EP 0908511 A	14-04-1999	AU 9791398 A BR 9812881 A EP 1030898 A WO 9918181 A	27-04-1999 08-08-2000 30-08-2000 15-04-1999
US 3455839 A	15-07-1969	AT 280221 B BE 694085 A DE 1619859 A FR 1511444 A GB 1110207 A NL 136759 C NL 6702323 A SE 301631 B	10-04-1970 16-08-1967 30-07-1970 10-04-1968 17-08-1967 17-06-1968
EP 0354016 A	07-02-1990	US 4983316 A AU 617842 B AU 3926489 A CA 1323820 A DE 68925709 D DE 68925709 T ES 2086318 T JP 2075305 A JP 2849682 B KR 9612271 B US 4978471 A	08-01-1991 05-12-1991 08-02-1990 02-11-1993 28-03-1996 12-09-1996 01-07-1996 15-03-1990 20-01-1999 18-09-1996 18-12-1990
EP 0927567 A	07-07-1999	US 5990181 A	23-11-1999